#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3792 OF 2006

Samir Rashid Khan .. Applicant
Versus
The State of Maharashtra .. Respondents

Ms.Anjali Patil-Contractor for applicant
Ms.Rajeshree Gadhavi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 18th October 2006.

P.C.

. Ms.Patil appearing for applicant submits that the applicant is under arrest from 25th October 2005 in connection with C.R.No.233 of 2005 registered with J.J.Marg Police Station. Offence alleged is punishable under section 395, 397 of I.P.C. read with sections 3 and 4 of the Arms Act.

2. She submits that the co-accused in this case have been granted bail. She submits that no specific role is assigned to the applicant in the incident where a rexin bag was snatched from the complainant after he alighted from the bus at the J.J.Road flyover. The complaint alleges that some persons armed with revolver and iron rod came near him and after assaulting him snatched the bag containing cash worth Rs.13 lakhs.

3. She submits that there is no recovery at the instance of the applicant. This fact is disputed by learned A.P.P. and she submits that a mobile phone has been recovered at the instance of the applicant after he was identified. She submits that apart from this, there are two more cases which have been registered against the applicant at Manikpur police station and Goregaon police station. She submits that this is the modus operandi adopted by persons in Mumbai and Thane.

4. In my view, investigations being complete charge sheet being filed so also co accused having been enlarged on bail admittedly, this is a fit case where the applicant deserves to be enlarged on bail but in the light of pending cases some stringent conditions need to be imposed. Hence, following order:-

i) The applicant arrested in connection with C.R.No.233 of 2005 registered with J.J.Marg Police Station shall be enlarged in the sum of Rs.15,000/- with one or two local sureties in the like amount. However, the applicant shall reside outside Mumbai and Mumbai suburban and Thane districts. He is however permitted to enter the limits of these districts only for the purpose of attending trial on relevant dates.

ii) The bail is granted subject to

condition that the applicant will remain present before the nearest police station from his residence where is propose to live after release on bail once a week on every Friday between 5.00 p.m. and 7.00 p.m. till conclusion of trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution

witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)